

HOUSE No. 601

By Ms. Balser of Newton, petition of Ruth B. Balser and others relative to the calculation of interest income by the Division of Medical Assistance for spouses of nursing home residents. Elder Affairs.

The Commonwealth of Massachusetts

PETITION OF:

Ruth B. Balser	Martin J. Walsh
John P. Fresolo	William N. Brownsberger
Mark C. Montigny	Susan C. Tucker
Tom Sannicandro	John V. Fernandes
Barbara A. L'Italien	Kay Khan
Richard J. Ross	

In the Year Two Thousand and Seven.

AN ACT TO CORRECT INCOME CALCULATION FOR SPOUSES OF NURSING HOME RESIDENTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Subsection (c) of Section 21A of Chapter 118E is amended by
2 deleting the current subsection and substituting the following new
3 subsection:—
4 (c) In making determinations under this section, the division shall
5 revise the community spouse resource allowance as permitted or
6 required by federal law. Either spouse shall have the right to request
7 a fair hearing at which, if it is shown that the income of the commu-
8 nity spouse is less than the minimum monthly maintenance needs
9 allowance of the community spouse, the referee shall revise the
10 community spouse resource allowance, using methods permitted or
11 required by federal law, to a level sufficient to generate the shortfall
12 in income. The division shall calculate interest income on the
13 investment of the community spouse resource allowance using the
14 average money market rates reported by Bank Rate Inc. on the date
15 of the hearing.